

MINUTES

January 12, 2010

Acting Chairman James Moran called the Planning Commission Meeting to order in the City Council Chamber at 7:10 p.m. The following Commission members were in attendance:

James Moran, Acting Chairman
Robert Strom, Finance Director
Richard Bernardo, P.E.
Michael Smith
Gene Nadeau

Also present were:

Peter Lapolla, Planning Director
Jason M. Pezzullo, Principal Planner
Lynn Furney, Senior Planner
C. Daniels, Associate Planner
Stephen Marsella, Esq., Assistant City Solicitor

Those members of the public in attendance were: Audie Osgood, Ray Lavey, Josh Berlinsky, Eric Charron, Patricia Carruolo, David Levesque, John Phillips, Steve Stycos, Robert Iloy, Attorney Robert Murray, Julia Dewey, Fred Davenport, Mary Davenport, Ursula Gofton and Michael Davenport

MINUTES

Upon motion made by Mr. Strom and seconded by Mr. Smith, the Commission unanimously voted to *approve* the minutes of the December 1, 2009, Planning Commission Meeting.

SUBDIVISION AND LAND DEVELOPMENT

*** REQUEST TO CONTINUE BY APPLICANT ***

Royal Woods Condominiums

Preliminary Plan

Major Land Development without street extension
1027 Providence Street
AP 18/3, Lot 1192

Upon motion made by Mr. Bernardo and seconded by Mr. Smith, the Commission unanimously voted to *continue* the public hearing on this matter to the February 2, 2010, Planning Commission Meeting.

Aye votes: Mr. Moran, Mr. Smith, Mr. Strom, Mr. Bernardo and Mr. Nadeau. Nay votes: none.

**Warwick Avenue Stop & Shop
Master Plan**

Major Land Development without street extension
Warwick Avenue
AP 4, Lots 2559, 2659 and 2703

Mr. Audie Osgood, DiPrete Engineering, explained the proposal to construct a 49,747 sq. ft. Stop & Shop Supermarket on a 7.37 acre site on Warwick Avenue (the site of the former Warwick Nursery), zoned C-5. He explained that the proposed building is substantially smaller than the Super Stop & Shop model used ten years ago. He further stated that last July, 2009, the principals involved in the project held a community informational meeting at which time there was substantial public comment. Those comments have been incorporated into the present Master Plan proposal. At the time of this meeting, the applicant is awaiting RIDEM, RIDOT and Veolia Water approvals. The present Master Plan proposal has also incorporated the Site Plan Review Preliminary Plan approval requirements.

Mr. John Philips, a neighboring property owner, expressed concern with access to the site and with marking existing trees in the field.

Mr. Steve Stycos, spokesman for Friends of the Pawtuxet, expressed concern with the fact that there are 71 more parking spaces and proposed than are required. He asked that consideration be given to eliminating an entire row of parking along the northwest side of the site in order to preserve existing large trees. He also asked that rock on site from the existing well be used to construct the proposed checkdam. He stated that existing plants on site are too dense and prohibit access to the water. He asked that access to the water be made available. He also requested that a written policy be put in place for the maintenance of the property so that plastic bags and other refuse associated with the supermarket/parking lot does not end up in the river.

In response, Mr. Moran asked that the developer consider extra planting islands to enhance the large expanse of parking in the main (northern) parking area.

Attorney Josh Lowinski, representing Churchill & Banks, asked that the applicant be allowed to submit their Preliminary Plan for public hearing at the February 2, 2010 Planning Commission Meeting even though the applicant has not received RIDOT or RIDEM permits. City Solicitor, Steve Marsella responded, stating that there is minimal case law on this request.

There being no further testimony, the Commission moved to a vote. Upon motion made by Mr. Smith and seconded by Mr. Bernardo, the Commission unanimously voted to adopt the Findings of Fact denoted below and *approve* this Master Plan subject to the following waivers and conditions:

Positive Findings

1. An orderly, thorough and expeditious technical review of this Master Plan has been conducted. Property owners within a 200' radius (100' required) have been notified via first class mail on 12/31/09 and the meeting agenda has been properly posted. Advertisement for this Major Land Development was published as a display ad in the 12/31/09 edition of the Cranston Herald.
2. The proposed retail establishment and associated structures is consistent with the C-5 Heavy Business zoning district and is deemed a use allowed by right. The proposal is consistent with the performance standards of the Subdivision and Land Development Regulations and the Cranston Zoning Code.
3. The proposed retail establishment is consistent with the Comprehensive Plan, Future Land Use Map as amended, which designates this area as "Commercial and Services".

4. The proposal will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.
5. There will be no significant negative environmental impacts from the proposed major land development as shown on the proposed Master Plan. The applicant will require a final determination from the RIDEM at the Preliminary Plan stage of approval.
6. The proposed major land development promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.
7. The proposed major land development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
8. The property in question has adequate permanent physical access on Warwick Avenue, an improved public roadway located within the City of Cranston.
9. The proposed major land development, Master Plan, provides for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off and for a suitable building site.
10. The proposed restoration and replanting of the riverbank wetland will contribute to the attractiveness and sustainability of the community.
11. The design and location of roadways, building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Waivers

The Administrative Officer is authorized to accept the Preliminary Plan application and schedule a public hearing for this application without the receipt of the RIDEM wetlands approval or the RIDOT Physical Alteration Permit (PAP). (Said waiver was granted upon Condition # 3 denoted below)

Conditions of Approval

1. Preliminary Plan submission shall incorporate all conditions imposed by the Site Plan Review Committee.
2. The Preliminary Plan submission shall reduce the number of parking spaces and increase the amount of landscaping, where practicable.
3. The applicant shall submit a signed letter for the permanent file stating that the applicant agrees to extend the Preliminary Public Hearing beyond the maximum 120 days if the required State permits have not yet been received.

Aye votes: Mr. Moran, Mr. Smith, Mr. Nadeau, Mr. Bernardo and Mr. Strom.

ZONING BOARD OF REVIEW RECOMMENDATIONS

TILCON MINERALS INC 998 RESERVOIR ROAD LUNENBERG MA 01462 (OWN) AND T-MOBILE NORTHEAST LLC D/B/A CENTERLINE COMMUNICATIONS LLC 960 TURNPIKE STREET CANTON MA 02021 (APP) AND T-MOBILE NORTHEAST LLC 15 COMMERCE WAY NORTON MA 02766 (LESSEE) have filed an application for special permit to build a 100 foot uni-pole telecommunication tower with a 40' X 40' compound to house associated equipment cabinets on **AP 26/1, lot 7, Rowe Drive**. AP 26/1, lot 7, area 70.7+/- acres, zoned A-80. Applicant seeks relief from Sections; 17.92.020 Special Permit, 17.20.030 Schedule of Uses, 17.76.010 Telecommunications Facilities.

Continued to February 2010 for readvertising

THOMAS AND BARBRA HOGG 480 COMSTOCK PARKWAY CRANSTON RI 02921

(OWN/APP) have filed an application for permission to build a 820+/- SF family room and garage addition to an existing single family dwelling with restricted corner side-yard setback at **480 Comstock Parkway**. AP 27/1, lot 192, area 20,183+/- SF, zoned A-20. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.090 D Specific requirements, 17.64.010 F, 3, Street Access.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

Findings of Fact:

1. The existing residential use is consistent with the City's Comprehensive Plan's Future Land Use Map, that designates the area for residential use.
2. The existing dwelling currently has a 26.12' conforming corner yard setback from Regina Drive. The proposed addition will result in a non-conforming 18.95' setback from Regina Drive (25' required).
3. The addition will enlarge the existing garage, and relocate the garage doors that originally faced Comstock Parkway to now face Regina Drive. The new driveway opening on Regina Drive will be located 16.46' from the radius curb, where a minimum distance of 25' from a radius curb is required by the Zoning Code.
4. The application states that the relocation of the garage doors to Regina Drive access, is "to eliminate the hazardous site ingress/egress from Comstock Parkway" for the existing driveway opening, which is currently located on the radius curb on the Comstock Parkway corner.
5. There are 13 corner lots within the 400' radius of the property. According to the City's GIS aerial photos, 2 out of those 13 lots (15%) contain houses with restricted corner yard setbacks.

Recommendation:

Though the proposed restricted corner yard setback is out of character with 85% of the corner lots within the 400' radius, the Commission agrees that relocating the driveway opening to Regina Drive is a safer proposal, and will not alter the general character of the neighborhood, or alter the intent and purpose of the Zoning Code, therefore, upon motion made by Mr. Smith and seconded by Mr. Bernardo, the Planning Commission unanimously voted to forward a positive recommendation on this application with the conditions listed below.

1. Eliminate the curb cut and former driveway on Comstock Parkway, and replace with suitable landscaping.
2. That the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Aye votes: Mr. Moran, Mr. Strom, Mr. Bernardo, Mr. Smith and Mr. Nadeau. There were no nay votes.

COLBEA ENTERPRISES LLC 2050 PLAINFIELD PIKE CRANSTON RI 02921 (OWN/APP) has filed an application for permission to modify a previous zoning board approval condition requesting to change from amber colored L.E.D. to red colored L.E.D. at **1207 Pontiac Avenue**. AP 10/4, lot 97, area 35,236+/- SF, zoned M-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.72.010 B, C & P Signs.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general*

character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.”

Findings of Fact:

The Planning Commission reviewed the original application for the L.E.D. sign in November 2008, and forwarded a positive recommendation to the zoning Board, based on the following findings at the time:

1. The commercial use of the property (gasoline station) is consistent with the Comprehensive Plan’s Future Land Use Map, which designates this area as “Commercial and Services”.
2. The existing freestanding sign contains the “Shell” logo plus 3 – 8’ x 18” panels that advertise the current gasoline prices; the sign also contains three other 8’ panels that advertize *Tim Hortons, Food Mart and Car Wash.*
3. The proposal will remove the three pricing panels and replace them with one 8’ x 54” LED sign for electronic pricing.
4. The total square footage of the existing freestanding sign will not increase, and therefore, the application will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan upon which the Ordinance is based.

Recommendation: The Commission has no preference regarding the color of the L.E.D, therefore, upon motion made by Mr. Smith and seconded by Mr. Bernardo, forwards a positive recommendation to the Zoning Board to change the amber colored L.E.D. to red colored L.E.D.

Aye votes: Mr. Moran, Mr. Strom, Mr. Bernardo, Mr. Smith and Mr. Nadeau. There were no nay votes.

HARUKI KIBE 1210 OAKLAWN AVENUE CRANSTON RI 02920 (OWN/APP) has filed an application for permission to have additional wall signage than that allowed by ordinance at **1210 Oaklawn Avenue**. AP 15/1, lot 1011, area 19,682+/- SF, zoned C-4. Applicant seeks relief from Sections; 17.92.010 Variance, 17.72.010 (5) Signs.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) “*Standards for Variance*” which reads as follows: “*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*”

Findings of Fact:

1. A total of 300 square feet of signage is allowed in a C-4 zone. The application submitted states that the current freestanding sign is 30 square feet. (The application does not state whether or not this is the total area for the two sided sign, or one face.)
2. A total of 30 square feet is the maximum allowed for a wall sign. The overall size of the proposed wall sign is 12’ x 5’-4” (63.6 square feet), and not the 50 square feet noted in the application’s narrative.
3. Assuming that the freestanding sign is 60 sq. ft., when added to the proposed wall sign of 63.6 sq. ft., the total is 123.6 sq. ft. total, which is less than the 300 sq. ft. total signage allowed in a C-4 zone.
4. An additional 17 parking spaces were added (sometime after 7/31/01) at the rear of the abutting single family residential lot located behind the restaurant. The increased parking area for the restaurant did not receive site plan review approval.
5. Though parking for a commercial use is permitted 200 feet into a residentially zoned abutting lot, typically, the residential use is abandoned, and removed. The Zoning Code is silent as to whether or not the residential building can still remain in use with the commercial parking lot extension.

Recommendation: Though the proposed wall sign is over two times larger than the area that is permitted, the total signage for the site is less than ½ the total signage area permitted in a C-4 zone, therefore,

based on the above Findings of Fact, and upon motion made by Mr. Bernardo and seconded by Mr. Smith, the Planning Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board as the wall sign will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based, and with the following conditions:

1. The applicant is to contact the Site Plan Review Committee for a determination of whether or not Site Plan Review is required for the 17 additional parking spaces added at the rear of the parking lot.
2. That the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Aye votes: Mr. Moran, Mr. Strom, Mr. Bernardo, Mr. Smith and Mr. Nadeau. There were no nay votes.

PERFORMANCE GUARANTEES

Birchwood Estates – Lots 20 & 21

Bond Reduction
Rose Bush Circle
AP 25/1, Lots 741 & 742

In response to the applicant's request for reduction of existing Hartford ITT Bond #02BCSAA8195 in the amount of \$261,000, the Planning Commission took the following action.

Upon motion made by Mr. Strom and seconded by Mr. Smith, the Commission unanimously voted to *deny* the request to reduce the bond by \$259,800.

Once the matter of outstanding Veolia Water fees have been paid and the as-built drawings have been submitted to the Public Works / Engineering Division, the Planning Department staff will then be in a position to recommend the complete release of Hartford ITT Bond #02BCSAA8195 with a balance of \$261,000.

Aye votes: Mr. Moran, Mr. Smith, Mr. Bernardo, Mr. Nadeau and Mr. Strom. There were no nay votes.

Wildflower Estates

Twin Birch Drive
AP 28, Lot 19
Performance Guarantee Expiration and Extension

The Planning Commission took the following action on the existing Domestic Bank Letter of Credit No.168 in the amount of \$111,000, which is set to expire on February 2, 2010.

Upon motion made by Mr. Smith and seconded by Mr. Bernardo, the Commission unanimously voted to:

1. Allow the extension of the Domestic Bank Irrevocable Letter of Credit (LOC) No. 168 to March 15, 2012 if received prior to February 1, 2010; and to
2. Authorize the City Finance Department to withdraw the applicable funds should an extension not be received by February 1, 2010.

Aye votes: Mr. Moran, Mr. Smith, Mr. Bernardo, Mr. Nadeau and Mr. Strom. There were no nay votes.

PRESENTATION / DISCUSSION OF 2010- 2015 CAPITAL BUDGET REQUESTS

Mr. Pezzullo stated that the first draft of the 2010-2015 Capital Budget should be ready for distribution in about two weeks. Finance Director, Mr. Strom, stated that the administration is still unsure of what monetary cuts will be handed down from the State. Mr. Pezzullo stated that the administration has requested only mandated or court ordered requests will be considered as no new bonds will be sold.

2010 COMPREHENSIVE PLAN UPDATE

Mr. Lapolla stated that he will submit the draft Comprehensive Plan to the City Council this month. A digital copy (Compact Disc) of the draft Comprehensive Plan was presented to the Planning Commission members for their review and comment.

ADJOURNMENT:

Upon motion made by Mr. Smith and seconded by Mr. Bernardo, the Commission unanimously voted to adjourn at 8:50 p.m.

NEXT MEETING:

Tuesday, March 2, 2010, at 7 p.m. in the City Council Chamber

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Secretary